

PTO/SB/30 (10-01)

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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:  
Commissioner for Patents  
Box RCE  
Washington, DC 20231

Application Number	09/576,101
Filing Date	May 22, 2000
First Named Inventor	Andreas Suhrbier
Art Unit	1644
Examiner Name	P. Huynh
Attorney Docket Number	FBRC:004USC1

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

**1. Submission required under 37 CFR 1.114**

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- a.  Previously submitted
  - i.  Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on \_\_\_\_\_ (Any unentered amendment(s) referred to above will be entered).
  - ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
  - iii.  Other \_\_\_\_\_
- b.  Enclosed
  - i.  Amendment/Reply
  - ii.  Affidavit(s)/Declaration(s)
  - iii.  Information Disclosure Statement (IDS)
  - iv.  Other Drawings - 29 sheets; Amended Specification; Amended Claims; Pending Claims; & return postcard

**2. Miscellaneous**

- a.  Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b.  Other \_\_\_\_\_

**3. Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-1212/FBRC:004USC1 if check is missing or insufficient.
  - i.  RCE fee required under 37 CFR 1.17(e) 11/26/2002 AUBNDAF1 09000165 09575101
  - ii.  Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:1001 740.00 OP
  - iii.  Other \_\_\_\_\_
- b.  Check in the amount of \$ 1,660.00 enclosed
- c.  Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Thomas M. Boyce	Registration No. (Attorney/Agent)	43,508
Signature	Michael R. Krawzenek 51,893 Michael R. Krawzenek	Date	November 21, 2002

**CERTIFICATE OF MAILING OR TRANSMISSION**

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Name (Print/Type)	Michael R. Krawzenek
Signature	Michael R. Krawzenek

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re Application of:*

ANDREAS SUHRBIER, SCOTT  
ANTHONY THOMSON, RAJIV KHANNA  
SCOTT RENTON BURROWS,  
BARBARA ELIZABETH HOWIESON  
COUPAR, DENIS JAMES MOSS

Serial No.: 09/576,101

Filed: May 22, 2000

For: POLYPEPTIDE VACCINES

Group Art Unit: 1644

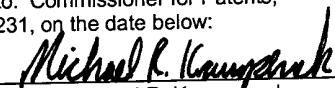
Examiner: P. Huynh

Atty. Dkt. No.: FBRC:004USC1/TMB

CERTIFICATE OF MAILING  
37 C.F.R. § 1.8

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November 21, 2002  
Date

  
Michael R. Krawzeneck

SUBMISSION PURSUANT TO 37 C.F.R. § 1.114(A)

Commissioner for Patents  
Washington, D.C. 20231

Commissioner:

This paper is submitted pursuant to 37 C.F.R. § 1.114(a) and in response to the Office Action ("the Action") dated May 21, 2002, for which the three-month date for response was August 21, 2002. A Request for Continued Examination (RCE) along with the appropriate filing fee is concurrently filed herewith.

11/26/2002 AWONDAF1 00000165 09576101

02 FC:1253

920.00 OP

Also, a petition for a three month extension of time to respond is included herewith along with the required fee. This extension will bring the due date to November 21, 2002, which is within the six-month statutory period. Should such request or the appropriate fees be deficient or absent, consider this paragraph such a request and authorization to withdraw the appropriate fees under 37 C.F.R. §§ 1.16 to 1.21 from Fulbright & Jaworski L.L.P. Account No.: 50-1212/FBRC:004USC1/TMB.

Reconsideration of the application is respectfully requested.

#### **I. PETITION FOR EXTENSION OF TIME**

Pursuant to 37 C.F.R. § 1.136(a), Applicants' petition for an extension of time of three months, to and including November 21, 2002, in which to respond to the Office Action dated May 21, 2002. Pursuant to 37 C.F.R. § 1.17, a check in the amount of \$1,660.00 is enclosed, which is the process fee for a three-month extension of time and the filing fee for the Request for Continued Examination. If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No. 50-1212/FBRC:004USC1/TMB.

Reconsideration of the application is respectfully requested.

#### **II. AMENDMENT**

Please make the following amendments:

##### **In the Specification:**

On page 19, please replace paragraph 73 with the substitute paragraph provided below.

--73. To test this possibility mice (Balb/c) were infected with  $10^4$  pfu of Murine cytomegalovirus (MCMV) (K181 strain - Scalzo *et al.* 1995) and left for 5 weeks at which point